

AMENDED IN SENATE MARCH 27, 2001

AMENDED IN SENATE MARCH 5, 2001

**SENATE BILL**

**No. 108**

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**Introduced by Senator Speier**

(Principal coauthor: Assembly Member Romero)

**(Coauthors: Senators Alpert, Costa, Figueroa, Kuehl, Ortiz, and Scott)**

(Coauthors: Assembly Members Alquist, Kehoe, Koretz, Longville, Matthews, Richman, Shelley, Strickland, and Strom-Martin)

January 23, 2001

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An act to add Section 7152.7 to the Health and Safety Code, and to amend Sections 1672, 12811, and 13005 of the Vehicle Code, relating to organ and tissue donation.

LEGISLATIVE COUNSEL'S DIGEST

SB 108, as amended, Speier. Organ and tissue donor registry.

Existing law contains provisions known as the Uniform Anatomical Gift Act and related provisions that require the Department of Motor Vehicles to provide forms and other information relating to the act.

This bill would enact the Organ and Tissue Donor Registry Act of 2001, which would establish under the Uniform Anatomical Gift Act an Organ and Tissue Donor Registry in the California Health and Human Services Agency, and would instead require the Department of Motor Vehicles to provide information and a standardized form containing specified information, to be completed by driver's license and identification card applicants who desire to be organ donors.

This bill would also authorize the department to receive voluntary contributions to be deposited in the Organ and Tissue Donor Registry

Fund created by the bill. This bill would make the fund subject to appropriation by the Legislature.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. This act shall be known and may be cited as the  
2 Organ and Tissue Donor Registry Act of 2001.

3 SEC. 2. (a) The Legislature finds and declares all of the  
4 following:

5 (1) More than 15,000 Californians are now waiting for a  
6 lifesaving organ transplant. Based on the current trend in organ  
7 donations, one in three of those waiting will die.

8 (2) While on a national level the number of organ donors has  
9 increased by 4 percent in the first six months of 2000 as compared  
10 to the first six months of 1999, the number of organ donors in  
11 California has decreased by 13 percent during this same time  
12 period.

13 (3) In all of 2000 there were only 626 cadaveric donors in  
14 California.

15 (4) A decrease in organ donors results in longer stays on the  
16 national organ transplant waiting list and, consequently, more  
17 death for those patients who are waiting.

18 (5) The national organ transplant waiting list, which is  
19 maintained by the United Network for Organ Sharing, is growing  
20 at the rate of 1,000 per month. A name is added to this national data  
21 base every 16 minutes.

22 (6) However, no registry exists in California for those persons  
23 who have expressed a wish to be an organ donor.

24 (b) It is the intent of the Legislature to increase the number of  
25 persons who identify themselves as potential organ donors. It is  
26 further the intent of the Legislature to establish a statewide organ  
27 and tissue donor registry to expedite the match between organ  
28 donors and recipients.

29 SEC. 3. Section 7152.7 is added to the Health and Safety  
30 Code, to read:

31 7152.7. (a) There is hereby established in the California  
32 Health and Human Services Agency the Organ and Tissue Donor  
33 Registry that shall contain information regarding persons who

1 have identified themselves as organ and tissue donors upon their  
2 death. The agency or its designee shall be responsible for  
3 maintaining the registry and for developing methods to increase  
4 the number of donors who enroll in the registry.

5 (b) The agency or designee shall make available to the federally  
6 designated organ procurement organizations in California and the  
7 state licensed tissue and eye banks information contained in the  
8 registry regarding potential donors on a 24-hour-a-day,  
9 seven-days-a-week basis. This information shall be used to  
10 expedite a match between identified organ and tissue donors and  
11 potential recipients.

12 (c) (1) The agency may receive voluntary contributions to  
13 support the registry and its activities. The contributions shall be  
14 deposited in the Organ and Tissue Donor Registry Fund which is  
15 hereby created in the State Treasury. Expenditures from the fund  
16 shall be subject to appropriation by the Legislature and shall be for  
17 the sole purpose of providing support for the registry and its  
18 activities.

19 (2) The Legislature finds and declares that the contributions  
20 specified in paragraph (1) are charitable contributions within the  
21 meaning of Section 24357 of the Revenue and Taxation Code.

22 SEC. 4. Section 1672 of the Vehicle Code is amended to read:

23 1672. (a) The department shall make available, in the public  
24 area of each office of the department where applications for  
25 driver's licenses or identification cards are received, space for a  
26 sign or notice briefly describing the Uniform Anatomical Gift Act  
27 (Chapter 3.5 (commencing with Section 7150) of Part 1 of  
28 Division 7 of the Health and Safety Code) and information about  
29 the Organ and Tissue Donor Registry.

30 (b) The department shall make available to the public in its  
31 offices a pamphlet or brochure providing more detailed  
32 information on the Organ and Tissue Donor Registry.

33 (c) The signs, notices, pamphlets, and brochures specified in  
34 subdivisions (a) and (b) shall be provided without cost to the  
35 department by responsible private parties associated with the  
36 anatomical gift program.

37 SEC. 5. Section 12811 of the Vehicle Code is amended to  
38 read:

39 12811. (a) (1) When the department determines that the  
40 applicant is lawfully entitled to a license, it shall issue to the person

1 a driver's license as applied for. The license shall state the class of  
2 license for which the licensee has qualified and shall contain the  
3 distinguishing number assigned to the applicant, the date of  
4 expiration, the *true full* name, age, and mailing address of the  
5 licensee, a brief description and engraved picture or photograph of  
6 the licensee for the purpose of identification, and space for the  
7 signature of the licensee.

8 Each license shall also contain a space for the endorsement of  
9 a record of each suspension or revocation thereof.

10 The department shall use whatever process or processes, in the  
11 issuance of engraved or colored licenses, that prohibit, as near as  
12 possible, the ability to alter or reproduce the license, or prohibit the  
13 ability to superimpose a picture or photograph on the license  
14 without ready detection.

15 (2) In addition to the requirements of paragraph (1), a license  
16 issued to a person under 18 years of age shall display the words  
17 "provisional until age 18."

18 (b) (1) Upon issuance of a new driver's license or a renewal of  
19 a driver's license or the issuance of an identification card, the  
20 department shall provide information on organ and tissue  
21 donation, including a standardized form to be filled out by an  
22 individual who desires to enroll in the Organ and Tissue Donor  
23 Registry with instructions for mailing the completed form to the  
24 California Health and Human Services Agency, including a donor  
25 dot that may be affixed to the new driver's license or identification  
26 card.

27 (2) The enrollment form shall be simple in design and shall be  
28 produced by the department in cooperation with the California  
29 Health and Human Services Agency and shall require all of the  
30 following information to be supplied by an enrollee:

31 (A) Date of birth, sex, full name, and other information deemed  
32 necessary to provide a positive identification of an individual.

33 (B) Consent for organs or tissues to be donated for transplant  
34 after death.

35 (C) Any limitation of the donation to specific organs or tissues.

36 (3) The form shall also include both of the following:

37 (A) A description of the process for having a name removed  
38 from the registry, and the process for donating money to the Organ  
39 and Tissue Donor Registry Fund.

1 (B) A statement that the name of any person who enrolls in the  
2 registry pursuant to this section shall be made available to  
3 federally recognized donor organizations.

4 (4) The registry enrollment form shall be posted on the Web  
5 sites for the department and the agency.

6 (5) The form shall constitute a legal document under the  
7 Uniform Anatomical Gift Act (Chapter 3.5 (commencing with  
8 Section 7150) of Part 1 of Division 7 of the Health and Safety  
9 Code) and shall remain binding after the donor's death despite any  
10 express desires of next of kin opposed to the donation.

11 (6) The agency shall ensure that all additions and deletions to  
12 the registry shall occur within 30 days of receipt.

13 (7) Information obtained by the department for the purposes of  
14 this subdivision shall be used for these purposes only and shall not  
15 be disseminated further by the department or the California Health  
16 and Human Services Agency.

17 (c) A public entity or employee shall not be liable for any loss,  
18 detriment, or injury resulting directly or indirectly from false or  
19 inaccurate information contained in the form provided pursuant to  
20 subdivision (b).

21 (d) No contract may be let to any nongovernmental entity for  
22 the processing of driver's licenses, unless the department receives  
23 two or more qualified bids from independent, responsible bidders.

24 SEC. 6. Section 13005 of the Vehicle Code, as amended by  
25 Section 9 of Chapter 887 of the Statutes of 1998, is amended to  
26 read:

27 13005. (a) The identification card shall resemble in  
28 appearance, so far as is practicable, a driver's license issued  
29 pursuant to this code. It shall adequately describe the applicant,  
30 bear his or her picture, and be produced in color or engraved by a  
31 process or processes that prohibit as near as possible, the ability to  
32 alter or reproduce the identification card, or prohibit the ability to  
33 superimpose a picture or photograph on the identification card  
34 without ready detection.

35 (b) (1) Upon issuance of a new identification card, or renewal  
36 of an identification card, the department shall provide information  
37 on organ and tissue donation, including a standardized form to be  
38 filled out by an individual who desires to enroll in the Organ and  
39 Tissue Donor Registry with instructions for mailing the completed  
40 form to the California Health and Human Services Agency.

1 (2) The enrollment form shall be simple in design and shall be  
2 produced by the department, in cooperation with the California  
3 Health and Human Services Agency, and shall require all of the  
4 following information to be supplied by the enrollee:

5 (A) Date of birth, sex, full name, address, and home telephone  
6 number.

7 (B) Consent for organs or tissues to be donated for transplant  
8 after death.

9 (C) Any limitation of the donation to specific organs or tissues.

10 (3) The form shall also include a description of the process for  
11 having a name removed from the registry, and the process for  
12 donating money to the Organ and Tissue Donor Registry Fund.

13 (4) The registry enrollment form shall be posted on the Web  
14 sites for the department and the California Health and Human  
15 Services Agency.

16 (5) The form shall constitute a legal document under the  
17 Uniform Anatomical Gift Act (Chapter 3.5 (commencing with  
18 Section 7150) of Part 1 of Division 7 of the Health and Safety  
19 Code).

20 (6) The agency shall ensure that all additions and deletions to  
21 the registry shall occur within 30 days of receipt.

22 (7) Information obtained by the department for the purposes of  
23 this subdivision shall be used for these purposes only and shall not  
24 further be disseminated by the department or the California Health  
25 and Human Services Agency.

26 (c) No contract may be let to any nongovernmental entity for  
27 the processing of identification cards unless the department  
28 receives two or more qualified bids from independent, responsible  
29 bidders.